

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X

FREDERICK WALKER,

Plaintiff,

-against-

**ANSWER TO THE  
COMPLAINT**

23-cv-5787 (PKC)

THE CITY OF NEW YORK, JOHN DOE AGENTS OF  
NEW YORK CITY, and JOHN DOE AGENTS OF NEW  
YORK STATE AT DOWNSTATE CORRECTIONAL  
FACILITY,

Defendants.

----- X

Defendant the City of New York, by and through its attorney, the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, responds to the Complaint, dated July 6, 2023 (ECF No. 1), as follows:

1. Denies the allegations the allegations set forth in paragraph “1” of the Complaint, except admits that Plaintiff purports to lay jurisdiction as stated therein, and respectfully refers the Court to the authority cited therein for its full text and import.

2. Denies the allegations the allegations set forth in paragraph “2” of the Complaint, except admits that Plaintiff purports to lay venue as stated therein, and respectfully refers the Court to the authority cited therein for its full text and import.

3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “3” of the Complaint.

4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “4” of the Complaint, except admits that Plaintiff attempts to set forth that unnamed Defendants are sued in their individual capacities.

5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “5” of the Complaint, except admits that Plaintiff attempts to set forth that unnamed Defendants are sued in their individual capacities.

6. Denies the allegations set forth in paragraph “6” of the Complaint, except admits that Plaintiff purports to proceed as set for therein.

7. Denies the allegations set forth in paragraph “7” of the Complaint, and refers the Court to Chapter 25 of the New York City Charter for the duties and responsibilities of the Department of Correction, and admits that the City of New York is a municipal entity.

8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “8” of the Complaint, except admits that Plaintiff was incarcerated in a New York State facility on May 25, 2021.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “9” of the Complaint.

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “10” of the Complaint.

11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “11” of the Complaint.

12. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “12” of the Complaint.

13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “13” of the Complaint.

14. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “14” of the Complaint.

15. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “15” of the Complaint.

16. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “16” of the Complaint.

17. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “17” of the Complaint.

18. Defendant repeats and re-asserts each and every response contained in paragraphs “1” through “18”, inclusive of paragraph “18”, as if fully set forth herein.

19. Paragraph “19” of the Complaint is a legal conclusion to which no answer is required. To the extent an answer is deemed required, Defendant denies any allegations set forth in paragraph “19” of the Complaint.

20. Paragraph “20” of the Complaint is a legal conclusion to which no answer is required. To the extent an answer is deemed required, Defendant denies any allegations set forth in paragraph “20” of the Complaint.

21. Denies the allegation is paragraph “21” of the Complaint.

22. Paragraph “22” of the Complaint is a legal conclusion to which no answer is required. To the extent an answer is deemed required, Defendant denies any allegations set forth in paragraph “22” of the Complaint, and refers the Court to the statute cited therein.

23. Defendants repeat and re-asserts each and every response contained in paragraphs “1” through “23”, inclusive of paragraph “23”, as if fully set forth herein.

24. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph “24” of the Complaint.

25. Denies the allegation is paragraph “25” of the Complaint.

26. Paragraph “26” of the Complaint is a legal conclusion to which no answer is required. To the extent an answer is deemed required, Defendant denies any allegations set forth in paragraph “26” of the Complaint.

27. Paragraph “27” of the Complaint is a legal conclusion to which no answer is required. To the extent an answer is deemed required, Defendant denies any allegations set forth in paragraph “27” of the Complaint.

28. Denies the allegations in paragraph “28” of the Complaint.

29. Denies the allegations in paragraph “29” of the Complaint.

30. Paragraph “30” of the Complaint is a legal conclusion to which no answer is required. To the extent an answer is deemed required, Defendant denies any allegations set forth in paragraph “30” of the Complaint.

31. Denies the allegations in paragraph “31” of the Complaint.
32. Denies the allegations in paragraph “32” of the Complaint.
33. Defendant repeats and re-asserts each and every response contained in paragraphs “1” through “33”, inclusive of paragraph “33”, as if fully set forth herein.
34. Denies the allegations in paragraph “34” of the Complaint.
35. Denies the allegations in paragraph “35” of the Complaint.
36. Denies the allegations in paragraph “36” of the Complaint.
37. Denies the allegations in paragraph “37” of the Complaint.
38. Paragraph “38” of the Complaint is a conclusory statement to which no answer is required. To the extent an answer is deemed required, Defendant denies any allegations set forth in paragraph “38” of the Complaint.
39. Paragraph “39” of the Complaint is a conclusory statement to which no answer is required. To the extent an answer is deemed required, Defendant denies any allegations set forth in paragraph “39” of the Complaint, and refers the Court to the law as cited therein.

#### **FIRST AFFIRMATIVE DEFENSE**

Defendant did not violate any rights, privileges, or immunities under the Constitution or laws of the United States of the State of New York or any political subdivision thereof.

**SECOND AFFIRMATIVE DEFENSE**

At all times relevant to the acts alleged in the Complaint, Defendant acted reasonably, lawfully, properly, constitutionally, without malice, and in good faith.

**THIRD AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred in whole or in part by the doctrines of collateral estoppel and/or res judicata.

**FOURTH AFFIRMATIVE DEFENSE**

The court lacks subject matter jurisdiction over some or all of Plaintiffs' claims.

**FIFTH AFFIRMATIVE DEFENSE**

The Complaint fails to state a claim upon which relief can be granted.

**SIXTH AFFIRMATIVE DEFENSE**

Plaintiffs failed to comply in whole or in part with the Prison Litigation Reform Act.

**WHEREFORE**, Defendant requests judgment dismissing the Complaint and denying all relief requested therein, together with such other and further relief as the Court deems just and proper.

Dated: New York, New York  
September 21, 2023

SYLVIA O. HINDS-RADIX  
Corporation Counsel of the  
City of New York  
*Attorney for Defendant City of New York*  
100 Church Street  
New York, NY 10007  
(212) 356-8766  
jasonimbiano@law.nyc.gov

By: /s/  
Jason Imbiano  
Assistant Corporation Counsels